

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

<p>ENERGY HEATING, LLC, and ROCKY MOUNTAIN OILFIELD SERVICES, LLC</p> <p>Plaintiffs and Counterclaim Defendants,</p> <p>v.</p> <p>HEAT ON-THE-FLY, LLC, and SUPER HEATERS NORTH DAKOTA, LLC</p> <p>Defendants,</p> <p>and</p> <p>HEAT ON-THE-FLY, LLC,</p> <p>Counterclaimant</p> <hr/> <p>HEAT ON-THE-FLY, LLC,</p> <p>Third-Party Plaintiff and Counterclaim Defendant,</p> <p>v.</p> <p>MARATHON OIL CORPORATION and MARATHON OIL COMPANY,</p> <p>Third-Party Defendants/Counter- claimants.</p>	<p>Case No.: 4:13-cv-010-RRE-ARS</p> <p>DEFENDANTS' MOTION FOR AN ADDITIONAL SIXTEEN-DAY EXTENSION TO FILE RULE 72(b)(2) OBJECTIONS TO THE MARCH 4, 2020, REPORT AND RECOMMENDATION</p>
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Defendants respectfully request an additional sixteen-day extension to file Rule 72(b)(2) Objections to the March 4, 2020, Report and Recommendation of the Magistrate Judge, for the reasons set forth below:

1. The Report and Recommendation was issued on March 4, 2020 (Dkt. 777), and set a deadlines of March 18, 2020, to file objections and March 24, 2020, to respond to any such objections.

2. On March 16, 2020, at Defendants' request, the parties filed a stipulation to extend the deadline to file objections to April 1, 2020, and to extend the deadline to respond to objections to April 14, 2020. Dkt. 778. Defendants requested the extension to accommodate scheduling issues created by measures adopted at that time to address the coronavirus epidemic. *Id.* The Court granted the requested extensions on March 17, 2020.

3. Since the parties filed the stipulation, a number of additional measures have been adopted to address the public health crisis caused by the coronavirus. Both counsel for Defendants and the officers and employees of Defendants have been working from home and out of the office for a week pursuant to governmental requests that they stay out of the office to the extent possible. In addition, Minnesota has now adopted a "stay at home" order requiring Defendants' counsel to stay out of the office from March 28 through April 10.

4. The requirements of the measures adopted to address the public health crisis, particularly the requirement that counsel and the officers of Defendants stay out of the office, have made working together on the objections to the Report and Recommendation more difficult and time consuming. The current requirements have caused delays in communications between Defendants and Defendants' counsel which has hampered Defendants' ability to work together to complete objections. They have also multiplied the distractions faced both Defendants and

Defendants' counsel, which restricts the amount of time they can devote to completing objections. These factors have also affected other cases that Defendants' counsel work on, which further restricts the amount of time available to prepare objections.

5. As a result, Defendants seek an additional sixteen-day extension to file objections to the Report and Recommendation, from April 1 to April 17, 2020. The requested extension would give Defendants and their counsel time to complete and file their objections to the Report and Recommendation, including a full week after the expiration of the Minnesota "stay at home" order.

6. Defendants' counsel contacted counsel for Plaintiffs and for Marathon to request that they stipulate to the requested extension. Counsel for Plaintiffs refused to agree to the extension and oppose this motion.

7. Accordingly, Defendants respectfully request that the Court enter an order confirming the following schedule:

Deadline	Current Schedule	Proposed Schedule
Any party may object to the March 4, 2020, Report and Recommendation	April 1, 2020	April 17, 2020
Responses to Objections	April 14, 2020	April 30, 2020

Dated: March 27, 2020

PADMANABHAN & DAWSON, P.L.L.C

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